

EXHIBIT 36

On-Scene Consulting

January 11, 2024

Mr. Dale K. Galipo, Esq.
Ms. Shannon Leap, Esq.
Law Offices of Dale K. Galipo
21800 Burbank Boulevard, Suite 310
Woodland Hills, California 91367

Federal Rules of Civil Procedure 26 (a) (2) (B) Report

**SANDRA KIRKMAN and CARLOS ALANIZ, individually and as
successors-in-interest to JOHN ALANIZ, deceased; Plaintiffs,**

vs.

**STATE OF CALIFORNIA; RAMON SILVA; and DOES 1-10, inclusive,
Defendants.**

Case No. 2:23-cv-07532-DMG-SJC.

Dear Mr. Galipo and Ms. Leap,

Thank-you for retaining me to analyze and render opinions regarding the May 4, 2022, Officer-Involved Shooting incident at I-105 W/B, W/of Garfield Avenue, Paramount, California, which resulted in the death of Mr. John J. Alaniz. Pursuant to the requirements of Rule 26, I have studied reports, Transcriptions of Digitally Recorded Depositions, California Highway Patrol documents, and other material (as listed under Materials Reviewed) provided to me thus far regarding this case. Please be advised that if additional documents related to this matter are provided, it may be necessary to write a supplemental report in order to refine or express additional opinions.

Scott A. DeFoe
Principal
On-Scene Consulting, LLC

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mental crisis. The objective is to avoid unnecessary injury and or death. The underlying principle is reverence for human life. These correct and reasonable methods are recognizing cues and other indicators in order to make appropriate decisions regarding intervention strategies; time to assess the situation; calm the situation; request additional resources and equipment; provide reassurance that the Police Officers are there to help; give the person time to calm down; move slowly; eliminate emergency lights and reduce environmental distractions. These correct and reasonable methods are well known and proven effective for the safety and welfare of both Police Officers and the public.

In addition, law enforcement officers are taught that they should attempt to de-escalate and utilize proper defusing techniques throughout an incident.

In addition, it is my opinion, California Highway Patrol Officer Ramon Silva, failed to properly recognize that Mr. John J. Alaniz was exhibiting “Suicide by Cop,” ideations when they contacted him. “Suicide by Cop” is a method in which a suicidal individual deliberately behaves in a threatening manner with the intent to provoke a lethal response from a law enforcement officer to end their own life.

In addition, I base my opinion on California Police Officer Standards and Training (POST), Learning Domain No. 20-Chapter 2: Force Options, Communication, 2-11: Effective communication may enable a peace officer to gain cooperation and voluntary compliance in stressful situations.

The vast majority of law enforcement responsibilities involve effective communication. Communication involves both command presence and words resulting in improved safety. Effective communication can:

- Provides skills that reduce the likelihood of physical confrontation.
- Can result in a reduction of injuries.
- Renders more effective public service and improves community relations.
- Decreases public complaints and internal affairs investigations.
- Decreases civil liability.
- Lessen personal and professional stress.

In addition, it is my opinion that California High Patrol Officer Ramon Silva, failed to comply with California Highway Manual, HPM 70.6, Revised December 2020, (State of California 002816):

b. De-Escalation: